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PATENT
Attorney Docket: P02293US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Karen A. Mc Kirchy
SERIAL NO: 10/075,730
FILED: February 14, 2002
TITLE: Method and Apparatus for Providing Instructional Help
at Multiple Levels of Sophistication in a Learning Application

GROUP NO: N/A
EXAMINER: N/A
CONF. NO.: 2691

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE PTO OF ITEM(S)
CONSIDERED AS OMITTED BY THE PTO—RESPONSE TO
 “NOTICE OF INCOMPLETE APPLICATION”**

NONPROVISIONAL APPLICATION

1. This is in response to the

“NOTICE OF OMITTED ITEMS”
 “NOTICE OF INCOMPLETE APPLICATION”

mailed for this application on March 7, 2002.

Repln. Ref: 07/02/2002 AKELLEY 0012125800
DAB:260084 Name/Number:10075730
FC: 704

“NOTICE OF OMITTED ITEMS”
 “NOTICE OF INCOMPLETE APPLICATION”

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JUN 17 2002

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is enclosed.

2. Applicant asserts that the items indicated as omitted were in fact deposited with the PTO

with the original application papers filed on February 14, 2002.

Adjustment date: 07/02/2002 AKELLEY
05/21/2002 JAD001 00000007 10075730
01 FC:122

-130.00 0P CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 with sufficient postage:

37 CFR 1.8(a)

as first class mail

37 CFR 1.10

as “Express Mail Post Office to Addressee” Mailing Label No.

VIA FACSIMILE TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office

Date: May 7, 2002

Wanda Webb
Wanda R. Webb

130.00 0P
05/21/2002 JAD001 00000007 10075730
01 FC:122



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,730	02/14/2002	Karen A. McKirchy	P02293US2

22885
 MCKEE, VOORHEES & SEASE, P.L.C.
 801 GRAND AVENUE
 SUITE 3200
 DES MOINES, IA 50309-2721

CONFIRMATION NO. 2691

FORMALITIES LETTER



OC000000007600648

Date Mailed: 03/07/2002

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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February 14, 2002

McKirchy, Karen A. Atty Dkt No. P02293US2
Contuation of Serial No. 09/301,261
Method & Apparatus for Providing Instructional Help, at Multiple
Levels of Sophistication, in a Learning Application

Please acknowledge receipt:

Utility Patent Application Transmittal Letter
Fee Transmittal Form (in duplicate)
Application Data Sheet (1 pg)
Copy of original application (29 pages)
Copy of original Declaration (5 pages)
5 Sheets of Drawings
Check for \$830.00

J1017 U.S. PTO
10/075730



02/14/02

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- wrw -

KFS

Mar 2-5

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3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, (See MPEP, § 601.01(d), 7th Edition) applicant hereby:

- A. Petitions under 37 § 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 37 Section 1.17(I) and
- C. Submits the attached evidence of the deposit of the items in issue.

Applicant respectfully petitions under 37 CFR 1.53(e) in response to the Notice of Incomplete Nonprovisional Application, Applicant respectfully petitions under 37 CFR 1.53(e) in response to the Notice of Incomplete Nonprovisional Application dated March 7, 2002 to grant a filing date as of February 14, 2002 and the application go forward for prosecution. The ground of the petition are as follows:

- 1) On February 14, 2002, by Certificate of Express Mail, Applicant filed a continuation application on Serial Number 09/301,261, along with a three-month petition for extension of time.
- 2) A postage-prepaid, return address postcard was included in the filing (a copy is attached as Exhibit A).
- 3) The postcard lists, as included with the filing papers, "5 sheets of drawings" (See Exhibit A).
- 4) The postcard was returned with a label from the USPTO indicating receipt of the materials listed on the postcard (See Exhibit A).
- 5) There is no indication of the postcard that the drawings were not included in the filing (See Exhibit A).

- 6) The application transmittal indicates the inclusion of 5 sheets of drawings
(See Exhibit B).
- 7) The undersigned's file copy includes 5 sheets of drawings, Figures 1-5
(See attached Exhibit C).
- 8) Pursuant to MPEP § 601.01(g), Applicant respectfully submits the returned postcard bearing the USPTO "received" label without indication that the drawings were not received, and respectfully petitions that (a) that this establishes sufficient evidence that the drawings were indeed filed with the other papers; (b) that the application should be afforded the filing of February 14, 2002; (c) that the enclosed check for \$130.00 (the fee for the peptone) should be refunded by crediting deposit account #26-0084; (d) that the application should be forwarded to prosecution.

4. Fee Payment

Attached is a check money order in the amount of \$130.00

Authorization is hereby made to charge the amount of \$130.00

to Deposit Account No. 26-0084

to Credit card as shown on the attached credit card information authorization from PTO-2038

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

5. Request for Refund for Petition Fee Under 37 CFR 1.53(e)

It is respectfully requested that, upon grant of the petition under 37 Section 1.53(e), the petition fee be refunded by:

- a refund check
- a credit to the charge authorized above

It is not believed that any additional fees or petitions for extension of time are required for entry of this response. If any such fee and/or extension is required and has been inadvertently overlooked, please consider this a request therefore and charge any required fee to deposit account #26-0084.

Respectfully submitted,



Mark D. Hansing, Reg. No. 30,643
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 22885
Attorneys of Record

- WRW -

Enclosures: Notice of Incomplete Nonprovisional Application
Copies of: Return postcard, Application Transmittal,
and Originally submitted drawings
Check for \$130.00

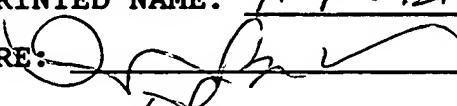
UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 6/20/02 2 Serial/Patent # 10-675730

3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/> Filing				\$
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<input type="checkbox"/> Notice of Appeal/Appeal				\$
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<input type="checkbox"/> Issue				\$
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<input type="checkbox"/> Maintenance				\$
<input type="checkbox"/> Assignment				\$
<input type="checkbox"/> Other				\$
		7 TOTAL AMOUNT OF REFUND	\$ 130	
10 REASON:		8 TO BE REFUNDED BY:		
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<input type="checkbox"/> Duplicate Payment		<input checked="" type="checkbox"/>	Credit Deposit A/C #:	
<input checked="" type="checkbox"/> No Fee Due (Explanation):		9 <u>26-0084</u>		

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11 REFUND REQUESTED BY:	TYPED/PRINTED NAME: <u>A M Brown</u>	TITLE: <u>Atty</u>
SIGNATURE: 	PHONE: <u>305 0300</u>	
OFFICE: <u>PTO</u>	***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****	
APPROVED: <u>Alicia Kelly</u>	DATE: <u>7/2/02</u>	

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. P02293US2

First Inventor Karen A. McKirchy

Title Method and Apparatus for Providing Instructional

Express Mail Label No. EV060192722US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 29]
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 5]
5. Oath or Declaration [Total Pages 5]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)

of prior application No. 09, 301,261

Prior application information: Examiner Vu, K.

Group Art Unit: 2173

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	22885		<input type="checkbox"/> Correspondence address below RECEIVED
Name	JUN 17 2002		
Address	OFFICE OF PETITIONS		
City	State	Zip Code	
Country	Tel phone		Fax

Name (Print/Type)	Mark D. Hansing	Registration No. (Attorney/Agent)	30,643
Signature			Date 02/14/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.